

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
San Francisco Venue

Petition for Summons for Offender Under Supervision

Name of Offender
AU Optronics Corporation

Docket Number
CR 09-00110-010 SI

Name of Sentencing Judge: The Honorable Susan Illston
Senior United States District Judge

Date of Original Sentence: September 20, 2012

Original Offense

Count One: Price Fixing – 15 U.S.C. § 1, a Class C Felony

Original Sentence: 3 years of probation

Special Conditions: Shall develop, adopt and implement an effective compliance and ethics program; at its own expense, AU Optronics Corporation shall acknowledge the fact of conviction, the nature of punishment imposed, and the steps that will be taken prevent the recurrence of similar offenses, in three major trade publications in both the United States and Taiwan; shall hire at their own expense, an independent monitor within sixty (60) calendar days of the date of sentencing; \$500,000,000 fine; \$400 special assessment.

Prior Form(s) 12: None.

Type of Supervision
Probation
Assistant U.S. Attorney
Michael Scott, Heather Tewksbury

Date Supervision Commenced
September 20, 2012
Defense Counsel
Dennis Riordan (Retained)

Petitioning the Court

The issuance of a summons for the offender to appear in court before the duty Magistrate Judge for identification of counsel and setting of further proceedings on April 13, 2015, at 9:30 am.

I, Michael McFarland, a Probation Officer employed in the United States District Court for the Northern District of California, solemnly affirm and declare, under penalty of perjury, that to the best of my information and belief, the facts set forth in this affidavit are true and correct. The factual affirmations made below are based on my personal knowledge, on official records or documents generated and maintained by my agency in the course of performing its functions, on official records or documents generated and maintained by other government agents or agencies

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in the course of performing their functions, or on information provided to me orally or electronically by employees or agents of other public agencies (information developed or acquired in the course of performing official agency functions).

Charge Number

Violation

One

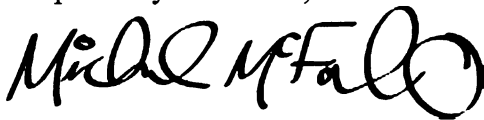
There is probable cause to believe that the offender violated special condition number one, which states that AU Optronics Corporation shall develop, adopt, and implement an effective compliance and ethics program. Such a program shall establish standards and procedures to prevent and detect criminal conduct. AU Optronics Corporation shall notify its employees and shareholders of its conviction and its effective compliance and ethics program. All aspects of the program shall be reported to the probation officer as directed and quarterly reports detailing the organization's progress shall be submitted to ensure compliance.

As of March 19, 2015, the corporation has failed to implement an effective compliance and ethics program. In that, the corporation has not hired a full-time Chief of Antitrust Compliance officer, and has not devoted meaningful time or attention to overseeing the antitrust compliance program. The Company's Board has met with the part-time compliance officer for between 30 and 60 minutes over a course of 17 months. The Board has not exercised sufficient oversight and monitoring of the Company's antitrust compliance program, and is only now implementing certain basic compliance measures and recommendations that had been previously proposed by the monitor. Moreover, AUO and its part-time Chief of Antitrust Compliance have not proactively monitored the compliance program or responded to detected risks of noncompliance.

Evidence in support of this charge can be obtained in the probation officer's case notes, specifically dated March 19, 2015, and in the 9th Quarterly Report of the AUO Monitor.

Based on the foregoing, there is probable cause to believe that AU Optronics Corporation violated the conditions of Probation.

Respectfully submitted,



Michael McFarland
U.S. Probation Officer Specialist
Date Signed: March 31, 2015

Reviewed by:



Amy Rizor
Supervisory U.S. Probation Officer

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Having considered the information set forth above, the court finds there is probable cause to believe there has been a violation of the conditions of supervision and orders:

☒ The issuance of a summons for the offender to appear in court before the duty Magistrate Judge for identification of counsel and setting of further proceedings on April 13, 2015, at 9:30 am.

☐ Other: _____.

Date

3/31/15

Susan Illston

Senior United States District Judge

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APPENDIX

Grade of Violations: C

Criminal History at time of sentencing: I

	Statutory Provisions	Guideline Provisions
Custody:	2 years 18 U.S.C. § 3583(e)(3)	3 – 9 months USSG § 7B1.4(a)
Supervised Release:	3 years (minus any term of custody imposed) 18 U.S.C. § 3583(h)	3 years (minus any term of custody imposed) USSG § 7B1.3(g)(2)
Probation:	1 to 5 years 18 U.S.C. § 3561(c)	1 to 5 years USSG § 8D1.1(a)(6) and (8)